

RESOLUTION NO. CZAB12-1-05

WHEREAS, ACROPOLIS REALTY LLC had applied to Community Zoning Appeals

Board 12 for the following:

- (1) RU-5A & BU-1 to OPD
- (2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limited the commercial uses and tied the BU-1 site to a plan.

- (3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).
- (4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86).

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south $\frac{1}{2}$ of the south $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and at which time the applicant requested a waiver of the refilling period, and

WHEREAS, upon due and proper consideration having been given to the matter, it was the opinion of the Board that the requested district boundary change to OPD (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade

County, Florida, and should be denied, and that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested waiver of the refiling period should be granted, and said application was denied by CZAB12-6-04, and

WHEREAS, ACROPOLIS REALTY LLC had appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

- (1) RU-5A & BU-1 to OPD
- (2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).
- (3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

- (4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

- (5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 12, and after having given an opportunity for interested parties to be heard, it was the opinion of the Board to vacate resolution CZAB12-6-04 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend, and said application was remanded by resolution Z-35-04, and

WHEREAS, ACROPOLIS REALTY LLC applied to Community Appeals Board 12 for the following:

- (1) RU-5A & BU-1 to OPD
- (2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).
- (3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

- (4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

- (5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, dated, signed and sealed 12-6-04 and two pages of landscape plans dated 10-22-04. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼ less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and that the request in the ad to permit a floor area ratio of 0.94 (Item #3) was modified by the applicant to permit a floor area of 0.80, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

Site Plan.

- A. That said Property shall be developed substantially in accordance with the plans previously submitted, entitled, "Agora Professional Building," as prepared by Fullerton Diaz Architects, Inc., consisting of eight (8) pages dated, signed and sealed 12/6/04 and two (2) pages of landscape plans dated 10/22/04 (the "Site Plan"), said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this agreement. The Site Plan may be modified at Public hearing.
- B. That a road closing petition is also being processed in connection with the Application, (Petition P-743, as may be modified or amended; the "Petition"); however, no building permits shall be issued prior to the approval of the Petition.

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to OPD (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the request to permit a lot with an area of 2.94 acres (Item #2) would meet the standards of the alternative site development option zoning regulation, and so promote the objectives of creative urban design, infill development and redevelopment and/or preservation and enhancement of property values, and would not contravene the public interest standards enumerated in such regulation, with the result that the public interest served by the underlying zoning district regulations and

the CDMP will be commensurately served, and that the modified request to permit a floor area ratio of 0.80 (Item #3), and the requested deletion of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329 (Item #5) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the proffered Declaration of Restrictions should be accepted, and that the requested district boundary change to RU-5A (Item #4) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, approve Item #1, approve Item #2 as an alternative site development option, approve modified Item #3 as a non-use variance, approve Item #5, and to deny Item #4 without prejudice was offered by Peggy Brodeur, seconded by Carla Savola, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Carla Savola	aye
Jackie Hernandez-Toraño	aye	Nelson Varona	aye
Millie Herrera	aye	Robert W. Wilcosky	nay
Jose I. Valdes		absent	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested district boundary change to OPD (Item #1) be and the same is hereby approved.

BE IT FURTHER RESOLVED that the request to permit a lot with an area of 2.94 acres (Item #2) be and the same is hereby approved as an alternative site development option, and that the modified request to permit a floor area ratio of 0.80 (Item #3) be and the same is hereby approved as a non-use variance, and that the requested deletion of a

Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329 (Item #5) be and the same is hereby approved and, with Items #2, 3, and 5 subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes, and location of signs, light standards, off street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, date, signed, and sealed 12-6-04 and two pages of landscape plans dated 10-22-04.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the applicant comply with all the conditions and requirements of the Public Works Department.
7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).
8. The Deletion of the Declaration of Restrictions (Request #5) is contingent only upon the approval of the requested zone change to OPD and the approval of the proffered covenant.
9. That two (2) broad spreading canopy trees 18' in height at time planting be planted along SW 88th Street, subject to compliance with Landscape Code Chapter 18A and approval by Baptist Hospital.
10. That the applicant provide on street parking along SW 87 Court, subject to payment and reimbursement to the Public Works Department by the owner, and subject to the approval of same by the Public Works Department.
11. That the applicant construct and install, at applicant's cost, a turn lane a SW 87th Court and SW 87th Avenue, subject to approval by FDOT and Public Works for same.

BE IT FURTHER RESOLVED that the requested district boundary change to RU-5A (Item #4) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 2nd day of March, 2005.

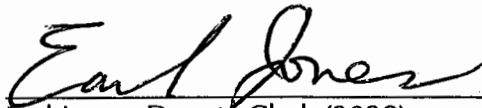
Hearing No. 03-11-CZ12-1
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-1-05 adopted by said Community Zoning Appeals Board at its meeting held on the 2nd day of March 2005.

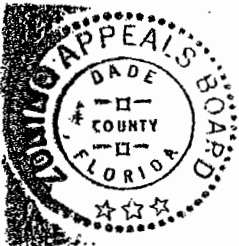
IN WITNESS WHEREOF, I have hereunto set my hand on this the 24th day of March 2005.



Earl Jones, Deputy Clerk (3230)

Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
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March 24 2005

Acropolis Realty LLC
c/o Chad Willard
999 Ponce de Leon Boulevard
Suite 1000
Coral Gables, FL 33134

Re: Hearing No. 03-11-CZ12-1
Location: 8960-70 S.W. 87 Court,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB12-1-05, adopted by the Miami-Dade County Community Zoning Appeals Board 12, which **accepted your Declaration of Restrictions and approved your request for a district boundary change to OPD and approved approve Item #2, and 5, approve Item #3 on a modified basis and denied #4 without prejudice** on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting is **March 8, 2005**. In the event an appeal is filed, any action undertaken during the appeal period is at the applicant's risk.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer